

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1094**

**Introduced by Assembly Member Nakanishi**

February 22, 2005

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An act to ~~amend Section 14672.99 of~~ *add Section 14672.101* to the Government Code, relating to state property.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1094, as amended, Nakanishi. State property: lease: Ione Youth Facility.

Existing law authorizes the Director of General Services, with the consent of the Department of the Youth Authority, to lease ~~a 5-acre portion of the Ione Youth Facility, as designated by the Department of the Youth Authority, to the County of Amador for use as a regional juvenile detention facility~~ *to the Amador Regional Sanitation Authority, a joint powers agency comprised of the County of Amador and the Cities of Amador City and Sutter Creek, for its continued use as a wastewater delivery and disposal system, real property appurtenant to or part of the Ione Youth Facility as designated by the Department of the Youth Authority. Existing law authorizes the lease to be for a term not to exceed 30 years and at the rate of \$1 per year. Existing law identifies this real property, which is located in the County of Amador, as including certain easements and unused land at the Ione Youth Facility, and other pipelines and facilities leased to the County of Amador as lessee in the document entitled "Agreement for Wastewater Management Plan" dated March 22, 1978, which interests were assigned to the Amador Regional Sanitation Authority.*

This bill would ~~make technical, nonsubstantive changes in these provisions~~ *declare the state real property originally leased on March*

22, 1978, to the County of Amador and now held by the Amador Regional Sanitation Authority to be surplus property and would convey that property to the Amador Regional Sanitation Authority, or its assignee, for \$1 on condition that the Amador Regional Sanitation Authority, or its assignee, use this property for public purposes, including, but not limited to, the transporting and disposal of wastewater generated in Amador County and honor all terms and conditions of any and all contracts it has entered into based on the authority's possession of this property.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 14672.99 of the Government Code is~~  
2     ~~amended to read:~~

3     SECTION 1. (a) *The Legislature finds and declares as*  
4     *follows:*

5     (1) *On March 22, 1978, the state, on behalf of the California*  
6     *Youth Authority, entered into a 30-year lease agreement with the*  
7     *County of Amador pursuant to which the state transferred to the*  
8     *county the right to use certain state real property for*  
9     *transporting and disposing of wastewater.*

10    (2) *On July 5, 1978, the County of Amador and the Cities of*  
11    *Sutter Creek, Jackson, and Amador City formed the Amador*  
12    *Regional Sanitation Authority, a joint powers agency, to finance,*  
13    *construct, and operate a regional wastewater disposal system*  
14    *using in substantial part the property leased by the state to the*  
15    *county.*

16    (3) *In 1980, the County of Amador assigned its interest in the*  
17    *lease to the Amador Regional Sanitation Authority.*

18    (4) *On November 15, 1982, the members of the Amador*  
19    *Regional Sanitation Authority agreed that the City of Jackson*  
20    *should no longer be member of the authority.*

21    (5) *The Amador Regional Sanitation Authority has acquired*  
22    *additional real property in its own name, entered into contracts,*  
23    *constructed a pipeline, and made improvements to the leased*  
24    *state property to operate for the Amador Regional Sanitation*  
25    *Authority's members a fully integrated wastewater*

1 *transportation and disposal system comprised of the lease state*  
2 *property and this additional real property.*

3 *(6) The Amador Regional Sanitation Authority and state have*  
4 *not yet been able to agree on a long-term extension of the lease,*  
5 *thereby hampering the ability of the Amador Regional Sanitation*  
6 *Authority to accomplish long-term planning to meet its need to*  
7 *dispose of an increasing amount of wastewater from the*  
8 *impacted area.*

9 *(7) The integrated wastewater transportation and disposal*  
10 *system is necessary for the members of the Amador Regional*  
11 *Sanitation Authority to be able to dispose of wastewater and plan*  
12 *for future facilities needed in the impacted area of the members.*

13 *(b) Therefore, it is the intent of the Legislature by enacting this*  
14 *measure to convey title to the leased property to the Amador*  
15 *Regional Sanitation Authority.*

16 *SEC. 2. Section 14672.101 is added to the Government Code,*  
17 *to read:*

18 *14672.101. (a) The state real property that is described in*  
19 *subdivision (b), was originally leased on March 22, 1978, to the*  
20 *County of Amador, and is now held by the Amador Regional*  
21 *Sanitation Authority is hereby declared to be property surplus to*  
22 *the needs of the state and is conveyed to the Amador Regional*  
23 *Sanitation Authority, or its assignee, for the consideration of one*  
24 *dollar (\$1) on the following conditions:*

25 *(1) The Amador Regional Sanitation Authority, or its assignee,*  
26 *shall use this property for public purposes, including, but not*  
27 *limited to, the transporting and disposal of wastewater generated*  
28 *in Amador County.*

29 *(2) The Amador Regional Sanitation Authority, or its assignee,*  
30 *shall honor all terms and conditions of any and all contracts it*  
31 *has entered into based on the authority's possession of the state*  
32 *real property heretofore leased by the state to the authority.*

33 *(b) The property to be transferred pursuant to this section is*  
34 *located in the County of Amador and comprises the easements*  
35 *known as the Preston Ditch, Henderson Reservoir, Preston*  
36 *Reservoir, Preston Forebay, certain water rights with a diversion*  
37 *point on Sutter Creek, unused land at the Ione Youth Facility,*  
38 *and other pipelines and facilities, all of which were leased to the*  
39 *County of Amador as lessee in the document entitled "Agreement*  
40 *for Wastewater Management Plan" dated march 22, 1978.*

1     ~~14672.99. (a) Notwithstanding Section 14670, the Director~~  
2     ~~of General Services, with the consent of the Department of the~~  
3     ~~Youth Authority, shall lease a five acre portion of the Ione Youth~~  
4     ~~Facility designated by the Department of the Youth Authority,~~  
5     ~~for a term not to exceed 30 years and at the rate of one dollar (\$1)~~  
6     ~~per year, to the County of Amador for use as a regional juvenile~~  
7     ~~detention facility.~~

8     ~~(b) The lease shall provide that the property shall be leased “as~~  
9     ~~is” and that the state shall have no liability for repairs,~~  
10    ~~rehabilitation, or other improvements. It shall provide that the~~  
11    ~~lessee county shall complete the detention facility not later than~~  
12    ~~three years after the effective date of the lease, and that the~~  
13    ~~facility shall be operated by the County of Amador pursuant to~~  
14    ~~the terms of the lease.~~

15    ~~(c) The lease described in this section shall be exempt from~~  
16    ~~the requirements of Division 13 (commencing with Section~~  
17    ~~21000) of the Public Resources Code.~~

18    ~~(d) The Department of General Services shall be reimbursed~~  
19    ~~for its costs related to the lease, including, but not limited to, any~~  
20    ~~survey costs, title transfer fees, and department staff time.~~

21    ~~(e) The Legislature finds and declares that the lease of a~~  
22    ~~portion of the Ione Youth Facility to the County of Amador for~~  
23    ~~use as a juvenile detention facility is for a statewide public~~  
24    ~~purpose.~~